

## **REMARKS/ARGUMENTS**

Reconsideration of this application is requested. Claims 1-11 are in the case.

### **I. THE ANTICIPATION REJECTION**

Claims 1-11 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. patent 5,273,190 to Lund. The rejection is respectfully traversed.

The invention as claimed is directed to a syringe for dispensing foam. The syringe comprises (a) a syringe plunger having an end face; (b) a waste chamber communicating with the end face of the plunger; and (c) a syringe barrel having a nozzle and a bore for receiving the plunger. The end face of the plunger is provided with a seal formation for sealing between the end face of the plunger and the inner surface of the bore, thereby preventing flow of foam past the end face of the plunger and into the bore. When foam enters the syringe barrel, the flow of foam pushes the syringe plunger back in the syringe barrel as the syringe fills with foam.

As explained, for example, in the paragraph bridging pages 10 and 11 of the specification, as foam continues to flow, a back pressure builds up by virtue of the seal between the inner wall of the syringe barrel and the seal formation at the end face of the plunger. Eventually, this back pressure becomes sufficient to overcome the friction between the seal formation and the inner surface of the bore, and the plunger is then forced back as the syringe barrel fills with quality foam.

Lund does not disclose (or suggest) a syringe with a plunger the end face of which is provided with a seal formation, as presently claimed. As seen in Fig. 2 of Lund, there is no seal provided at the end face of the plate 32 (i.e., the face nearest to the

nozzle 22) providing a seal between the end face of the plunger and the inner wall of the barrel. In Lund, as is clear Fig. 2, there is a gap between the end face of the plate 32 and the inner wall of the barrel 12, as well as apertures 88 in the plate 32 itself. These gaps allow flow of foam around and through the plate 32 to facilitate mixing of liquid components, and would not cause the plate 32 to be forced back as the syringe barrel fills with foam.

The Action (page 3) points to item 42 shown in Figs. 2-4 of Lund as a seal formation. However, this is not a seal formation provided **at the end face** of the plunger, as required by the presently claimed structure. Item 42 has clips 94 which clip around the end face of the plate 32 as shown in Fig. 4, but these clips do not constitute a seal **at the end face** of the plunger. The item 42 comes into contact with the opposite face of the plate 32 as the plate 32 is drawn towards item 42 along the direction of the arrow 40, as shown in Fig. 5. Plate 32 clips to the item 42 via clips 94 when items 32 and 42 come into contact with each other, as shown in Fig. 4.

As Lund does not disclose a seal formation provided at the end face of the plunger, as required by the presently claimed structure, Lund clearly does not anticipate the syringe as claimed. Withdrawal of the anticipation rejection is respectfully requested.

## **II. THE FORMAL REJECTION**

Claim 7 has been rejected on formal grounds for the reasons stated on page 7 of the Action. In response, claim 7 has been amended to provide proper antecedent basis for the "inlet". Withdrawal of this rejection is respectfully requested.

### III. **AMENDMENTS**

Claim 1 has been amended to further clarify the presence of a seal formation at the end face of the plunger and that when foam enters the syringe barrel, flow of foam pushes the syringe plunger back in the syringe barrel as the syringe barrel fills with foam. Support for the seal formation at the end face of the plunger appears in the specification as originally filed at, for example, page 6, lines 28-29 and page 9, line 22. Support for the feature that when foam enters the syringe barrel, flow of foam pushes the syringe plunger back in the syringe barrel as the syringe fills with foam appears at, for example, at page 4, lines 8-9, page 6, lines 20-21, page 10, line 32- page 11, line 2, and in the drawings of the originally filed application. No new matter is entered and no new issues are raised. Entry and favorable consideration are respectfully requested.

Favorable action is awaited.

Respectfully submitted,

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